

**POWER OF ATTORNEY**

**HEALTH EDUCATION CORPORATION**, a corporation, organized and existing under the laws of the State of Utah, having a business address of **11576 So. State St., #1101, Draper, Utah 84020**, owner of all right, title and interest in the invention entitled **NUTRIENT ABSORPTION ENHANCING COMPOSITIONS AND METHODS** for which an application for United States Letters patent was filed on **November 20, 2001** and given U.S. Patent Application Serial No. **09/989,980** and empowered to prosecute the U.S. and foreign applications on behalf of the inventors, hereby appoint as its attorneys and/or patent agents the law firm of **THORPE NORTH & WESTERN, LLP**, having a business address of **8180 South 700 East, Suite 200, Sandy, Utah 84070**, and **VAUGHN W. NORTH**, Registration No. 27,930; **M. WAYNE WESTERN**, Registration No. 22,788; **CLIFTON W. THOMPSON**, Registration No. 36,947; **GARRON M. HOBSON**, Registration No. 41,073; **PETER M. DE JONGE**, Registration No. 47,521; **WEILI CHENG**, Registration No. 44,609; **DAVID R. MCKINNEY**, Registration No. 42,868; **STEVE M. PERRY**, Registration No. 45,357; **GARY P. OAKESON**, Registration No. 44,266; **DAVID W. OSBORNE**, Registration No. 44,989; and **KEITH HARGROVE**, Registration No. 34,836; all with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

All correspondence concerning this application should be directed to:

**David W. Osborne**  
**THORPE NORTH & WESTERN, LLP**  
**P.O. Box 1219**  
**Sandy, Utah 84091-1219**  
**Telephone: (801) 566-6633**  
**Facsimile: (801) 566-0750**

Dated this 7th day of Dec. 2001 at Draper, Utah  
City, State

**HEALTH EDUCATION CORPORATION**

By

  
**Tracy Gibbs**

650  
Title

## DECLARATION AND PETITION

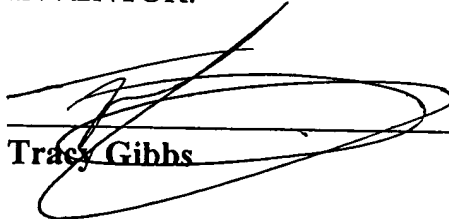
As a below named inventor, I hereby declare: that my residence, post office address, and citizenship are as stated below next to my name; that I verily believe I am the original, first, and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **NUTRIENT ABSORPTION ENHANCING COMPOSITIONS AND METHODS**, the specification of which was filed on **November 20, 2001** as U. S. Patent Application No. **09/989,980**; that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above; and that I acknowledge the duty to disclose information which is material to patentability as defined in § 1.56(a) of Title 37 of the Code of Federal Regulations.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

Wherefore, I pray that Letters Patent be granted to me for the invention or  
discovery described and claimed in the foregoing specification and claims, declaration,  
and this petition.

Signed at Draper, UTAH, this 7 day of December  
City State  
2001.

INVENTOR:

  
Tracy Gibbs

Residence: (City, State): Draper, Utah  
Citizenship: United States of America  
Post Office Address: 11576 So. State St., #1101  
Draper, UT 84020

# RECORDATION FORM COVER SHEET

## COMMERCE

### PATENTS ONLY

U.S. DEPARTMENT OF

Patent and Trademark Office

(Rev. 6-93)

OMB No. 0651-0011 (exp. 4/94)

Tab settings 000

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

## 1. Name of conveying party(ies):

**Tracy Gibbs**Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

## 2. Name and address of receiving party(ies)

Name: **Health Education Corporation**

Internal Address: \_\_\_\_\_

Street Address: **11576 So. State Street, #1101****Draper, Utah 84020**Additional Name(s) & address(es) attached? ☐ Yes ☒ No

## 3. Nature of conveyance:

☒ Assignment☐ Merger☐ Security Agreement☐ Change of Name☐ Other \_\_\_\_\_Execution Date: **December 7, 2001**

## 4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: **November 20, 2001**

A. Patent Application No.(s)

**09/989,980**

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

## 5. Name and address of party to whom correspondence concerning document should be mailed:

Name: **M. Wayne Western**Internal Address: **THORPE, NORTH & WESTERN, L.L.P.**Street Address: **P.O. Box 1219****Suite 200**City: **Sandy** State: **Utah** ZIP: **84091-1219**6. Total number of applications and patents involved: **1**7. Total fee (37 CFR 3.41).....\$ **40.00**☒ Enclosed☐ Authorized to be charged to deposit account

## 8. Deposit account number:

**20-0100 (Deficiencies only)**

(Attach duplicate copy of this page if paying by deposit account)

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## 9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

**M. Wayne Western**

Name of Person Signing

*M. Wayne Western*

Signature

**Feb. 11, 2002**

Date

Total number of pages including cover sheet, attachments, and document: \_\_\_\_\_

Mail documents to be recorded with required cover sheet information to:  
Commissioner of Patents & Trademarks, Box Assignments

WHEN RECORDED RETURN TO:

David W. Osborne  
THORPE, NORTH & WESTERN, L.L.P.  
P.O. BOX 1219  
SANDY, UTAH 84091-1219

## ASSIGNMENT

WHEREAS, I, **Tracy Gibbs**, resident of the State of Utah, whose postal mailing address is 11576 So. State St., #1101, Draper, Utah 84020 (hereinafter "Assignor") has invented a certain new and useful improvement in a **NUTRIENT ABSORPTION ENHANCING COMPOSITIONS AND METHODS** for which an application for United States Letters Patent was filed on **November 20, 2001**, and given U.S. Patent Application Serial No. **09/989,980**; and

WHEREAS, **Health Education Corporation**, a corporation, organized and existing under the laws of the State of UTAH, having a business address of 11576 So. State St., #1101, Draper, Utah 84020 (hereinafter "Assignee"), is desirous of acquiring the entire right, title, and interest in the same;

NOW, THEREFORE, in consideration of one dollar (\$1.00) and other good and valuable consideration paid to me by the Assignee, the receipt and sufficiency whereof is hereby acknowledged, I the said Assignor, hereby grant and assign unto the said Assignee, my entire right, title and interest in said invention and in all patent applications based thereon, including but not limited to the above identified United States Patent Application and in all divisions, continuations, and continuations-in-part of said application, or reissues or extensions of Letters Patent or Patents granted thereon, and in all corresponding applications filed in countries foreign to the United States, and in all patents issuing thereon in the United States and foreign countries; the right, power and

authority to file and prosecute U.S. and foreign patent applications on said invention, and to do so in its own name wherever such right may be legally exercised, and including the right to claim the priority and benefits of the International Convention for such applications; and the right to bring actions for infringement of any right in said invention in its own name, including past infringement, in any jurisdiction.

I hereby authorize and request the United States Commissioner of Patents and Trademarks, and such Patent Office officials in foreign countries as are duly authorized by their patent laws to issue patents, to issue any and all Letters Patent on said invention to the said Assignee as the owner of my entire interest, for the sole use and behoof of the said Assignee, its successors, assigns and legal representatives, to the full end of the term for which said Letters Patent may be granted, as fully and entirely as the same would have been held by me had this assignment and sale not been made.

I hereby agree, without further consideration and without expense to me, to sign all lawful papers and to perform all other lawful acts which the Assignee may request of me to make this Assignment fully effective, including, by way of example but not of limitation, the following: prompt execution of all original, divisional, substitution, reissue, and other United States and foreign patent applications on said invention, and all lawful documents as requested by the Assignee to further the prosecution of any of such patent applications; cooperation to the best of my ability including, but not limited to, the execution of all lawful documents, the production of evidence in any actions or proceedings concerning the invention, including, but not limited to, nullification, reissuing, extension, and infringement proceedings involving said invention.

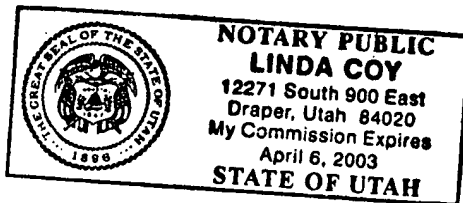
This assignment and agreement shall be binding upon my heirs and legal representatives.


Executed this 7 day of December, 2001 at Draper, UTAH.  
City, State

  
TRACY GIBBS

STATE OF UTAH )  
County of Salt Lake : SS

Before me personally appeared TRACY GIBBS and acknowledged the foregoing instrument to be his free act and deed this 11 day of December, 2001.



  
Notary Public